

REMARKS

This paper is submitted in response to the pending Office Action mailed on February 8, 2007. Because this Response is submitted on or before the shortened statutory period for reply set to expire on **May 8, 2007**, this Response is timely filed.

I. STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 7 and 9 to 22 were pending and at issue. By this Response, none of the claims have been amended or canceled, and no new claims have been added. Thus, claims 1 to 7 and 9 to 22 remain pending and at issue.

While Applicants believe that no additional fees are due in connection with this application, Applicants direct the Office to charge **Deposit Account No. 23-1925 (08285-00632)** for any additional fees deemed owed.

II. CLAIMS REJECTIONS

The Office Action rejects claims 1 to 7 and 9 to 22 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,891,939 to Urban et al. (hereinafter "*Urban*") in view of U.S. Patent No. 5,943,397 to Gabin et al. (hereinafter "*Gabin*").

Applicants respectfully traverse the pending obviousness rejection of independent claims 1, 14 and 18 based on the combination of *Urban* and *Gabin*. In particular, the cited references either alone, or in combination with each other or the knowledge generally available to one of ordinary skill in the art, fail to disclose each and every element set forth in claims, much less provide the suggestion or motivation necessary to establish a *prima facie* case of obviousness¹. For example, independent claim 1 recites, among

¹ To establish a *prima facie* case of obviousness, three basic criteria must be met.
(a) First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
(b) Second, there must be a reasonable expectation of success.
(c) Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination

other things, a method for processing a call that includes receiving a current call at a called party's switch and determining that the called communication station is busy on a previous call. The method further includes transmitting information from the called party's switch to a hub switch, and not a service node, if the called communication station is busy on the previous call, and using the hub switch to generate a query that **requests information associated with the calling communication station** which, in turn, directs a signal transfer point to obtain information from a database (see page 4, lines 17 to 24). The obtained information associated with the calling communication station is provided by the signal transfer point in response to the query and transmitted to the calling communication station to the called communication station. In other words, when a new call cannot be completed because the called communication station is occupied with another call, a database that is not part of a service node can be queried to provide additional caller information which, in turn, can be provided to the called communication station thereby allowing the called party to decide whether or not to take the new call.

None of the cited references, either alone or in combination, discloses the claimed subject much less the method or system in which it is utilized and operates. *Urban* discloses a system and method for providing calling name identification with advanced intelligent network. For example, the system of *Urban* discloses sending a query over a signaling network via an STP 44 to an SCP 42. The query contains the ten (10) digit telephone number of a calling party and is utilized by the SCP 42 to identify the terminating services available to the called party 52 (see *Urban* at col. 3, lines 6 to 19). In other words, the method and system of *Urban* obtains information about the called party, and not the calling communication or calling communication station as recited in the independent claims 1, 14 and 18. Thus, contrary to the characterization set forth on page 2 of the pending office action, *Urban does*

and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP §2143 - §2143.03 for decisions pertinent to each of these criteria.

not generate a query that requests information (i.e., calling party's telephone number) associated with the calling communication station because that information, i.e., the ten (10) digit telephone number of calling party, is already part of the query itself.

Gabin does not provide the elements missing from *Urban*. In particular, *Gabin* does not disclose, or even suggest, a method or system that generates a query that requests information associated with the calling communication station as recited in the independent claims 1, 14 and 18. *Gabin* is relied upon for the proposition, in relevant part, of transmitting information from a called party's switch to a hub switch if a called communication station is busy on a previous call. However, in response to the determination that the called communication station is busy, *Gabin* prompts the calling party, and not the hub switch, to manually provide information. Thus, the characterization of *Gabin* provided on page 3 of the pending office action is contradicted by the disclosure of *Gabin* at col. 5, lines 4 to 9 to 14. Moreover, *Gabin* simply requests that the calling party provide information and does not generate a query that requests information associated with the calling communication station as recited by the independent claims 1, 14 and 18. For at least these reasons, *Gabin* does not provide the disclosure or teaching missing from *Urban* nor does it satisfy the proposition for which it was relied upon.

Because the relied upon combination of *Urban* and *Gabin* does not disclose generating a query that requests information associated with the calling communication station as recited in the claims 1 to 7 and 9 to 22, these references are insufficient to establish a *prima facie* case of obviousness. Thus, Applicants submit that these references do not render claim 1 to 7 and 9 to 22 obvious. Withdrawal and reconsideration of these rejections is respectfully requested.

III. CONCLUSION

For the foregoing reasons, Applicants respectfully request withdrawal of the pending rejections and submit that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone

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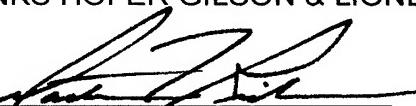
ATTY. DOCKET No.: 08285-00632

the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

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